

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

Rejections Under 35 U.S.C. §102

Claims 1-6, 8-10, 12-22, 30, 31, and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,495,302 to Abruna, et al. (hereinafter "Abruna"). Applicants traverse these rejections, and assert that the Action fails to establish a *prima facie* case of anticipation.

Abruna cannot anticipate (or render obvious) independent claim 1 because Abruna neither discloses (nor even suggests) limitations recited in independent claim 1. Claim 1 is directed to a computer system, and recites limitations directed to

sensing for a human presence in a region proximate a processing system independently of any human physical engagement of the processing system;
generating a status signal based on said sensing; and,
controlling at least one user-perceptible output of the processing system based, at least in part, on said status signal, wherein said act of controlling comprises providing electrical power to the processing system when a user is detected when electrical power had previously been turned off and when no user had previously been detected.

The Action asserts that Abruna discloses controlling at least one user-perceptible output of the processing system based, at least in part, on said status signal, wherein said act of controlling comprises providing electrical power to the processing system when a user is detected when electrical power had previously been turned off and when no user had previously been detected, as recited in claim 1, The Action asserts that Goth discloses determining whether the database access command caused a change to the

database, and cites column 7, lines 20-50 to support the rejection.

Applicants disagree. The cited text reads as follows:

Lines 50 and 51 may comprise any one or a combination thereof of coaxial cabling or three hundred ohm transmission line. Relay 46 may or may not be of double throw form wherein the line 50, being connected to the television receiver 20 or intermediate unit, is either connected to one contact 52 or the other 54. If the double throw arrangement is employed the state wherein the relay 46 is disconnected may be used to ground line 50 or to inject a local signal which would appear on line 51. If line 50 is grounded the video signal is effectively removed and a dark screen results, provided that capacitive coupling of the incoming radio frequencies is not employed. If a signal is injected any local pattern such as an audio-visual warning can be introduced and be caused to appear on the television receiver 20 viewing screen as well as be heard over the audio channel.

A temporal delay is required to minimize the effects of persons briefly moving in and out of range and to reduce false alarms resulting from the passage of clouds impacting the heating/cooling of objects which the sensor 14 is using as background reference. A relay having a built in timer using physical or electronic timing means, or an external timer comprising a simple resistor capacitor network, or a 555 type timer configured as a monostable multivibrator, or a digital timer of one of a multitude of architectures may be effectively employed to produce time delays in the tens of second domain required for this feature.

As to the manner of usage and operation of the present invention, the same should be apparent from the above description. Accordingly, no further discussion relating to the manner of usage and operation will be provided.

With respect to the above description then, it is to be realized that the optimum dimensional relationships for the parts of the invention, to include variations in size, materials, shape, form, function and manner of operation, assembly and use, are deemed readily apparent and obvious to one skilled in the art, and all equivalent relationships to those illustrated in the drawings and described in the specification are intended to be encompassed by the present invention.

Contrary to the assertion in the Action, nothing in this text discloses
(nor even suggests) controlling at least one user-perceptible output of the

processing system based, at least in part, on said status signal, wherein said act of controlling comprises providing electrical power to the processing system when a user is detected when electrical power had previously been turned off and when no user had previously been detected, as recited in claim 1. Claims 2-6 depend from claim 1 and are allowable at least by virtue of this dependency.

Independent claims 8, 15, and 30 were rejected on the same basis as independent claim 1. Hence, these rejections are traversed on the same arguments applied to claim 1. The remaining depend from independent claims 8, 15, and 30, and are allowable at least by virtue of their dependency.

CONCLUSION

Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
Jed W. Caven
Caven & Aghevli LLC
9249 S. Broadway Blvd. #200-201
Highlands Ranch, CO 80129

Dated: May 5, 2009

/Jed W. Caven, Reg. No. 40,551/

Jed W. Caven
Caven & Aghevli LLC
Reg. No. 40,551
(720) 841-9544